

have ever been before that at long last we can have a meaningful civil rights bill.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ELLENDER. The Senator from New York mentioned some 2,000 demonstrations, and said that two thirds of them pertained to title II of the bill. Does the Senator know how many of those demonstrations took place in other parts of the country, particularly in the North, as compared with the South?

Mr. JAVITS. I do not; but I shall endeavor to find out. The original lunch counter sit-ins in North Carolina touched off all the civil rights demonstrations. So, at least I think it is only fair to say that we know that the whole movement originated as a rebellion against the exclusionary practices of the lunch counters in southern cities.

Mr. ELLENDER. Does the Senator know of any such demonstrations that took place anywhere in the State of New York?

Mr. JAVITS. The only one I know of—and the Senator knows I would tell him frankly anything I know—

Mr. ELLENDER. I understand. That is why I am asking.

Mr. JAVITS. Of course. The only ones that I know of that had any relation to it were demonstrations at certain chainstores, like Woolworth's in the hope of influencing their policy in the southern cities where they maintained segregated lunch counters.

Other than that, there was no demonstration in my State. Such demonstrations are against the State law in my State. I know of no such practice in my own State. Therefore I cannot conceive of any such demonstration.

Mr. ELLENDER. That was the next question I was about to ask the Senator. So far as the Senator knows, that was the only demonstration. The State of New York has had laws on its statute books for some time that are similar to the provisions of the pending bill. I am wondering the extent to which those laws have been violated since their enactment.

Mr. JAVITS. I do not believe there have been any appreciable violations. I shall endeavor to ascertain either today or by Monday the number of demonstrations of the two-thirds of the 2,100 in the North that involve violations of the public accommodations law. Also, if I can do so, I shall endeavor to ascertain the number of violations in the 30 other States that have similar laws.

I was attorney general in my own State. Therefore I should have personal knowledge of this subject. But I am unaware of any appreciable number of violations of such laws in New York.

I yield the floor.

Mr. ERVIN. Mr. President, by way of preface to my remarks, I wish to make two unanimous-consent requests.

The first is that I may submit certain amendments to the pending bill and have them printed at this point in the Record, and also printed and laid upon the desk until they are called up for action.

The PRESIDING OFFICER (Mr. WALLERS in the chair). Without objection, it is so ordered.

The amendments, numbered 478 to 490, are as follows:

AMENDMENT No. 478

On page 8, line 15, strike out "or enforced" and insert "and enforced".

AMENDMENT No. 479

On page 7, line 2, after "station;" insert "and".

On page 7, line 5, strike out "; and" and insert a period.

On page 7, strike out lines 6 through 11.

On page 7, line 18, after "commerce;" insert "and".

On page 7, line 22, beginning with "; and" strike out all through "subsection" in line 2, page 8.

AMENDMENT No. 480

On page 8, after line 23, insert the following:

"(f) The provisions of this title shall not apply to any barber shop or beauty parlor."

AMENDMENT No. 481

On page 9, beginning with line 6, strike out all through line 17, on page 11 (sections 203, 204, and 205 of the bill).

AMENDMENT No. 482

On page 9, line 23, after "action" insert "and that the person aggrieved is unable, either directly or through other interested persons or organizations, to bear the expense of initiating and maintaining an action under this title, and if he certifies that he has received a signed complaint from the person aggrieved".

AMENDMENT No. 483

On page 9, line 23, after "action" insert "and if he certifies to the court that he has made a survey and he believes that the person or persons against whom such action is instituted will not suffer financial loss as a result of complying with the provisions of sections 201 and 202".

AMENDMENT No. 484

On page 7, lines 16 and 17, strike out "it serves or offers to serve interstate travelers or" and in lieu thereof insert "a substantial number of the patrons it serves are interstate travelers and".

AMENDMENT No. 485

On page 11, after line 17, insert the following new section:

Sec. 206. If as a result of any action instituted under section 204 against the owner or operator of a business, such business is destroyed, becomes insolvent, or suffers financial loss, it shall be held and considered that such business (or with respect to a financial loss, that such business to the extent of such loss) has been condemned and taken for public use by the United States; and the owner of such business shall be entitled to just compensation for such taking as provided by the laws and Constitution of the United States.

AMENDMENT No. 486

On page 11, after line 17, insert the following new section:

Sec. 206. In any action instituted under section 204 against the owner or operator of a business, such owner or operator shall be entitled to show that compliance with the provisions of sections 201 and 202 would result in economic loss to the owner of such business. If such owner or operator establishes, by a preponderance of the evidence, that compliance with the provisions of sections 201 and 202 would result in economic

loss to the owner of such establishment, then the provisions of section 203 shall not apply with respect to such business.

AMENDMENT No. 487

On page 6, beginning with line 1, strike out all through line 17, on page 11 (title II of the bill).

AMENDMENT No. 488

On page 11, line 3, beginning with "and shall", strike out all through "law" in line 5.

On page 11, line 5, after the period, insert the following: "No action may be instituted under section 204 unless the aggrieved person has exhausted all administrative and other remedies that may be provided by law. If an alleged violation of section 203 takes place in a State, county, city, or other political subdivision which has a legally established Human Rights Commission or similar body, no action may be instituted under section 204 with respect to such alleged violation by the Attorney General before the expiration of thirty days after he has given notice of such alleged violation to such Commission or similar body."

AMENDMENT No. 489

On page 7 line 18, after "(b)," insert "it has more than five employees and".

AMENDMENT No. 490

On page 9, line 5, after "thereof," insert the following: "This section shall not apply to homes, churches, cemeteries, or private clubs of any kind, or to fraternities or organizations of any kind membership in which is selective."

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. ROBERTSON. Is the Senator aware that if cloture should be imposed, unless an amendment had been read, it could not be considered?

Mr. ERVIN. I am not aware of that.

Mr. ROBERTSON. That is what the Senator from Georgia [Mr. RUSSELL] told me about the amendment I submitted, which pertained to jury trials. That is the reason I asked that it be read.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. The parliamentary inquiry is whether or not the impression of the Senator from Virginia is correct; namely, that an amendment has to be read in order that it may be considered as submitted in the event of cloture.

The PRESIDING OFFICER. The rule can be waived by unanimous consent.

Mr. ERVIN. I ask unanimous consent that the rule be waived with respect to the amendment I have submitted.

Mr. JAVITS. Mr. President, I am constrained to object. I should like to reserve the right to object and explain why. We have had this experience before. I am sure there will be no problem whatever about our doing exactly what the Senator desires. But it has not been done as yet for other Senators who have filed amendments. There should be agreement upon the policy. I believe the Senator from Virginia will bear me out—either we will agree, or be prepared to agree, to unanimous-consent requests of the same kind for every Senator who submits amendments, or we will insist, as

7454

we did on one occasion, that they should be read at the desk; that is, that the clerk should do the necessary pro forma reading of the amendment before it qualifies in this way.

My reason for objecting now is not in any way to seek to prevent the Senator from doing what he seeks to do, but only because I wish to have an opportunity afforded the proponents of the bill to arrive at a uniform policy to be applied to all amendments rather than merely the amendments the Senator is submitting now. I therefore object.

Mr. ERVIN. Mr. President, I wish to propound another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Does the objection of the Senator from New York apply to my unanimous-consent request that I be permitted to submit the amendments at this time and have them printed in the Record at this point, and have them printed so that they may lie on the desk until they are called up? I understood that unanimous-consent request was granted before the Senator from New York interposed any objection.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JAVITS. I have no objection whatever to that unanimous-consent request.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is granted.

Mr. ERVIN. Mr. President, I can take care of the objection of the Senator from New York later by having the amendments read before the day is over.

In order to oblige the Senator from Alaska, I would like to propound a unanimous-consent request that I may be permitted to yield to the Senator from Alaska (Mr. Gruening) for a statement or a speech, without losing my right to the floor, and without having any additional remarks which I may hereafter make on this occasion counted as a second speech on the pending matter.

The PRESIDING OFFICER (Mr. BAYH in the chair). Is there objection? The Chair hears no objection. It is so ordered.

The amendments submitted will be printed and will lie on the table.

Inasmuch as a point has been raised about the germaneness rule, the Chair asks the Senator from North Carolina to include in his unanimous-consent request a request that the requirement of the germaneness rule be waived.

Mr. ERVIN. Mr. President, in that event, I ask unanimous consent that the speech or statement to be made by the Senator from Alaska not be subject to the rule of germaneness which applies during the first 3 hours of the session after the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOUR MORE AMERICANS KILLED IN SOUTH VIETNAM—LET US STOP THE SLAUGHTER NOW

Mr. GRUENING. Mr. President, four more Americans have been killed in ac-

tion in South Vietnam. There is no justification for it whatever.

My view, expressed at great length and with historic detail, on the floor of the Senate on March 10, and subsequently—that the United States never had any business getting into that civil war—has been borne out by the day-by-day reports from that distant southeast Asian country, where, despite optimistic reports and forecasts from the Pentagon, we are getting nowhere.

The latest casualty includes a Washington area man, Capt. Robert N. Brumet, age 36, who leaves a widow, a son, and two daughters. The United Press, as reported in this morning's newspapers, indicated that three American helicopter crewmen were also killed, along with seven Vietnamese soldiers, when the tail dropped off a troop-carrying helicopter. A fourth American was seriously injured.

What business these American soldiers, presumably sent to South Vietnam as "advisers," had in this action, Secretary McNamara should explain.

I repeat, that all Vietnam is not worth the life of a single American boy. We should get out now—not 6 months hence—pull our boys off the firing line, and oblate any more American fatalities.

As the Senator from Oregon (Mr. Morse) has repeatedly pointed out, this is a civil war between South Vietnamese. We have been supporting governments of our own making, puppet governments, dictatorships that elicit little or no support or enthusiasm from the people they rule. Why should they? They have been corrupt, self-serving, tyrannical. They have been ruthless oppressors of their own people.

Our SEATO allies, who are supposed to join with us in any action that is deemed worthy, are conspicuously absent. They include Britain, France, Australia, New Zealand, Thailand, the Philippines, and Pakistan.

Let us hope that Secretary Rusk, who has arrived in Manila today to confer with our SEATO associates—we can scarcely call them allies in this matter, judging from their action, or lack of action—will emerge with a formula for an immediate cease-fire and a settlement by peaceful means—by negotiation, arbitration, or any other civilized method that will put an end to these senseless killings.

Our sympathy must be extended to the widow of Captain Brumet and to his children. As in Tennyson's famous poem, he and the several hundred other Americans who have been killed, fall into the category of those gallant cavalrymen sent against artillery in a hopeless charge, of whom Britain's poet laureate wrote: "Theres not to reason why; theirs but to do or die."

It is high time that the American people demand that this slaughter stop. Sentiment is overwhelmingly for this course of action, as my mail shows. It is running in a ratio of about 100 to 1 for withdrawal of the United States from this folly, which President Johnson inherited, which began 10 years ago under a preceding administration, and which should never have been undertaken.

I have just received, in the great mass of mail favoring withdrawal, a very intelligent appraisal, in the form of a copy of a letter to President Johnson from a Vietnamese-American who is living in San Francisco, and who analyzes the situation in a way in which—regrettably—it has not been presented to the American people by our press. Speaking as a former newspaperman, I feel that our press has been negligent and inadequate in presenting the facts on this important issue. I consider it of the utmost importance that this other point of view be presented; so I shall read the letter at this point in my remarks:

SAN FRANCISCO, CALIF.,

March 8, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: As a Vietnamese-American I am very much concerned about the war now waging in the land of my birth. Being familiar with the situation in that unhappy country, I would like to bring the following facts to your attention:

1. The so-called guerrillas are not invaders from the north but simple South Vietnamese people who feel they are only continuing the many-year-long struggle for independence and freedom from foreign domination.

2. Since France with armies numbering almost a half million was unable to overcome the stubborn resistance of the much smaller Vietnamese people's forces of liberation there seems no better chance of our winning the present struggle. Rather a disaster similar to that suffered by France at Dienbienphu seems much more likely.

3. The people of South Vietnam, exhausted from more than 20 years of unceasing struggle, do not have any reason for continuing the war. They want only to be left alone to organize their own government and restore their shattered economy.

4. The present Saigon government is no more popular with the people than was the cruel dictatorship of Diem and his family. Innocent people are still being tortured and young men forced into military service. American personnel in the country as advisers are unsafe as they are regarded as foreign oppressors backing up the hated ruling groups.

5. The South Vietnamese people do not consider their brothers in the north as enemies to be fought, but favor reunification with them under conditions set forth in the 1954 Geneva agreement for neutralization of both parts of the country.

6. President De Gaulle's proposals for neutralization of what was formerly French Indochina under the supervision of the powers which ratified the 1954 Geneva agreement have been met with hope and enthusiasm. Ho Chi Minh, President of North Vietnam, has also expressed interest in this plan. Senate Majority Leader MIKE MANSFIELD's speech calling on the Senate to study the French President's proposals has given great encouragement to all those vitally concerned with the peaceful solution of the differences in Vietnam.

7. The Vietnamese people do not share the fear frequently expressed in this country that China will attack if the U.S. Army advisers and officers are withdrawn. The history of Vietnam reveals that many invaders have attacked the country throughout the centuries. But so determined has been the will to resist any foreign domination that the intruder has always been turned back. The Chinese who have had experience with this stubborn Vietnamese resistance, are certainly aware of this fact.

8. The proposal of some Americans to carry the war to North Vietnam would prove, in my opinion, an extremely dangerous ven-

1964

ture. Such action might very well lead to world war III. The problems existing in South Vietnam can never be settled through military action.

I ask you, Mr. President, to use your influence to bring about a peaceful settlement through neutralization of all Vietnam. You will be acting in the best interests not only of the Vietnamese and American people but of all mankind.

Respectfully yours,

NGUYEN, VAN LUY.

I ask unanimous consent that four articles—the Associated Press dispatch, as printed in the Washington Evening Star of April 10; the United Press dispatch, as printed in the Washington Post this morning; a local story in the Washington Post concerning Capt. Robert N. Brumet; and the Associated Press story from the Chicago Tribune, which differs slightly from that used in the Washington papers—be printed in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 10, 1964]
**VIETCONG KILL U.S. PILOT IN MAJOR CLASH—
BATTLE TOLL HEAVY ON BOTH SIDES; REDS
FALL BACK**

SAIGON, VIETNAM, April 10.—Communist guerrillas fell back south of Saigon today after a heavy engagement that took a severe toll of casualties on both sides, including the life of a U.S. pilot.

The pilot was identified by the Pentagon in Washington as Air Force Capt. Robert N. Brumet, whose wife, Mrs. Lee W. Brumet, lives at 9211 Shelton Street, Bethesda, Md.

The 36-year-old pilot's wife and three children, Barbara, 6, Bonnie, 5, and Woody, 4, have been in Bethesda since Captain Brumet went overseas last November. He attended schools in New Plymouth, Idaho. Before joining the Air Force, he served with the Marine Corps at the close of World War II.

The battle yesterday was the second major clash in as many days in an area considered by the Vietnamese Government to be one of the most crucial in the long war against the Vietcong.

The U.S. pilot and his Vietnamese observer were killed when their Vietnamese T-28 fighter was shot down by Communist gunfire at the height of the battle. A U.S. spokesman reported the recovery of the body of the pilot, the 123d American killed in action since 1962.

TWO COPTERS HIT

Two U.S. Army helicopters were hit and forced to land near the scene of the battle. One American crewman was injured slightly. One helicopter had to be destroyed by its crew.

Two U.S. Army men were wounded in the battle, which swirled around Mo Cay, 50 miles south of Saigon.

Vietnamese officers claimed the Communist guerrillas lost 50 men killed, but U.S. advisers at the scene did not confirm the figure. Reporters who flew to the battle area said Vietnamese troop casualties were 24 killed, 23 wounded, and 13 missing.

The fighting at Mo Cay was 35 miles south of Go Den, where guerrillas smashed a self-defense post Wednesday.

OVERWHELM POST

The Mo Cay engagement opened when several hundred guerrillas attacked a military outpost about 5 miles to the north and overwhelmed the 15 civil guard defenders.

A Government battalion moved out on the highway to the rescue but was ambushed 3 miles north of Mo Cay. A U.S. military

spokesman said the guerrillas struck from three directions, but the Vietnamese deployed quickly and repulsed the attack.

Several hundred guerrillas then tried to cross a river to attack Mo Cay itself but were scattered by an air force fighter attack. It was then that the U.S. pilot was shot down.

[From the Washington (D.C.) Post, Apr. 11, 1964]

HEAVY LOSSES ARE INFLICTED ON REDS BY SAIGON FORCES

MY THO, SOUTH VIETNAM, April 10.—Government forces in heavy fighting today thwarted a Communist attack on the town of Mo Cay, 50 miles south of Saigon, and inflicted heavy losses on the enemy, U.S. military advisers reported.

In an unrelated incident three American Army helicopter crewmen and seven Vietnamese soldiers were killed, a U.S. spokesman said, when the tail fell off a troop-carrying helicopter for unknown mechanical reasons. A fourth American was seriously injured.

The U.S. military men said the government scored a victory at Mo Cay. The fighting involved 1,000 men on each side. One American flier was killed and two were wounded. Two U.S. helicopters were shot down and the government lost important equipment.

The dead pilot was identified by the Defense Department in Washington as Capt. Robert N. Brumet, whose wife lives at 9211 Shelton Street, Bethesda, Md.

The advisers reported at least 50 Vietcong guerrillas were known dead and their casualties probably were twice that figure. The government lost 24 killed, 23 wounded, and 13 missing. They captured 7 rifles, 1 submachine gun, and 3 carbines, but lost 2 automatic rifles, 21 rifles, 12 carbines, 6 submachine guns, and 2 radios.

The American pilot and his Vietnamese observer were killed when the Communists shot down a Vietnamese air force T-28 fighter carrying out strafing runs yesterday.

Two of four crewmen were wounded slightly when the Communists shot down a heavily armed HU-1-B helicopter and continued to fire at it on the ground. The Americans burned the aircraft before escaping.

The other helicopter, an unarmed H-21, crashlanded outside the battle area without serious damage or injury to crew members.

The Vietcong attacked, apparently to draw a large government force out of Mo Cay and into an ambush while other guerrillas launched a direct attack on Mo Cay. Vietcong mortars shelled the town but the attack never materialized.

A government battalion left Mo Cay to relieve the Thanh Tho outposts but it expected the ambush and put up a fight that surprised the Communists. It radioed for help and two armored cars were sent to the scene. Other reinforcements were flown in by helicopter.

U.S. advisers said the stiff resistance by the ambushed battalion and the quick arrival of reinforcements foiled the Vietcong plan to capture Mo Cay.

[From the Washington Post, Apr. 11, 1964]

BETHESDA WOMAN'S MATE KILLED IN VIET FIGHTING

An American pilot whose wife lives in Bethesda was killed Thursday in South Vietnam when his T-28 fighter plane was downed by Communist gunfire during heavy fighting some 50 miles south of Saigon.

The pilot, Capt. Robert N. Brumet, 36, was the husband of Lee W. Brumet, of 9211 Shelton Street. He and a Vietnamese observer were both found dead in the burned wreckage of the two-seat fighter by rescue crews who were delayed hours by the intense fighting.

Captain Brumet, an Air Force veteran of 15 years, was the 123d American killed in action in Vietnam since 1962. Three other Americans also were wounded in a 48-hour fight along the Mekong River delta.

Captain Brumet was ordered to Vietnam last November while stationed in Texas. Mrs. Brumet moved to Washington at that time.

Besides his wife, Captain Brumet is survived by a son and two daughters; his mother, Clara A. Brumet, of New Plymouth, Idaho, and his father, Harold N. Brumet, of Moses Lake, Wash.

[From the Chicago Tribune, Apr. 11, 1964]

YANK KILLED, THREE HURT IN VIETNAM BATTLE

SAIGON, VIETNAM, April 10.—Communist guerrillas faded into hiding south of Saigon tonight after killing 50 Vietnamese soldiers and an American pilot in 2 days of attacks. Three Americans were wounded in fighting that brought the war to Saigon's doorstep.

The second and most violent conflict swirled yesterday near Mo Cay, 50 miles south of Saigon. This was where the American casualties occurred.

At the height of the conflict, Communist ground fire brought down a Vietnamese T-28 plane, killing the American pilot and his Vietnamese observer.

LIVES IN BETHESDA

The pilot was identified in Washington as Capt. Robert N. Brumet, whose wife lives in Bethesda, Md. He was the 123d American killed in action in the guerrilla war since 1962. His body was recovered.

Communist guerrillas also hit two U.S. Army helicopters. One crewman was injured slightly. Two U.S. Army men with the ground forces were wounded.

The Communist attacks were a challenge to Premier Nguyen Thanh, who has called that Vietnamese 7th Division area one of the most critical in South Vietnam.

He has been trying to assert Vietnamese control there, where guerrilla attacks have been almost constant in recent months.

Reporters who flew to the battle scene said Government troop casualties were 24 killed, 23 wounded, and 13 missing. The Vietcong battalion lost 50 men killed, said Vietnamese officers at the scene. This count was not confirmed by the Americans.

CAPTURE 115 WEAPONS

Yesterday's action followed a major Communist attack Wednesday on a defense post 15 miles south of Saigon. The Vietcong guerrillas inflicted 101 Government casualties including 28 killed, and captured 115 weapons.

The fighting began with a Vietcong attack on a small post 5 miles from Mo Cay.

A Government battalion moved down the highway to the rescue but was ambushed in a Vietcong trap.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ERVIN. Mr. President, I wish to make another unanimous-consent request; namely, that the 13 amendments I presented a few moments ago and all other amendments to the pending bill, heretofore proposed by any other Senator, be considered as read. I ask that their reading be dispensed with by unanimous consent, and that they be exempted from the rule requiring the reading of amendments in order to have them considered in connection with a cloture motion or order.

Mr. JAVITS. Mr. President, reserving the right to object, I would appreciate it very much if the Senator from North Carolina would withhold his request. My purpose in making that statement is that I wish to consult with the Senator in charge of the bill, the Senator from Minnesota [Mr. HUMPHREY], in order to determine whether there is any reason why we should not agree to such a unanimous-consent request. I have not had an opportunity to do so. The Senator knows that I am in no position to consent at the present time. I hope that the Senator will withhold his request.

Mr. ERVIN. Mr. President, I should like to propound a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. If I should request that my amendments be read at the present time, would such reading comply with the rule in respect to cloture?

The PRESIDING OFFICER. The Chair rules that such reading at the present time would apply in the event of cloture.

Mr. ERVIN. I request, then, that the amendments I have presented be read at this time.

The PRESIDING OFFICER. The clerk will read.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it in order to read the amendments of the Senator from North Carolina at this time?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that unless unanimous consent is obtained at this time, such request would be out of order.

Mr. JAVITS. Mr. President, I have not heard the unanimous-consent request. Is one pending?

The PRESIDING OFFICER. There is no such request pending at the present time. The Senator from North Carolina has suggested that the amendments be read. The Chair now asks the Senator from North Carolina if he would be so kind as to propose a unanimous-consent request. The Chair will then determine whether the reading will be undertaken.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. At what point would the reading of the amendments be in order without a unanimous-consent request?

The PRESIDING OFFICER. If the amendments are to be printed and to

remain at the desk, the proper time for presentation is after the cloture motion.

Mr. JAVITS. After the cloture motion has been filed?

The PRESIDING OFFICER. After the cloture motion has been filed. Then they may be read.

Mr. JAVITS. At that time they would be in order.

The PRESIDING OFFICER. Without unanimous consent they would then be in order; they would be in order at any other time with unanimous consent.

Mr. JAVITS. I thank the Chair.

Mr. ERVIN. Mr. President, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. If the Senator from North Carolina should read the proposed amendments which he has presented in the course of his speech, would such reading on his part satisfy the rule?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the rule specifies that the amendments should be presented and read. The rule does not specify by whom they must be read. The Senator could present and read them.

Mr. JAVITS. Mr. President, I wish to make a point of order with respect to the ruling of the Chair.

The PRESIDING OFFICER. The Senator will state his point.

Mr. JAVITS. My understanding, in accordance with the precedents of the Senate, is that under the rule, reading must be done by the clerk at the desk. I do not have the rule in front of me. I shall look it up in a moment. I would not wish to accept as a precedent a ruling by the Chair that a reading by the Senator of his proposed amendments would be adequate to comply with the rule.

The PRESIDING OFFICER. The Chair wishes to examine the rule.

Mr. JAVITS. Mr. President, I should like to speak to the point of order.

The PRESIDING OFFICER. The Chair invites the Senator from New York to discuss the point of order.

Mr. JAVITS. Mr. President, it is a fact that the rule provides as follows:

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

It is a fact that the rule does not say by whom the amendment must be read. Nevertheless, it has been the settled practice of the Senate, as long as I have been here—and I have been through the question of cloture and amendments to a bill subject to cloture in connection with the communication satellite bill—that the reading must be done by the clerk at the desk. However, I have no desire to impede the Senator in anything that he wishes to do and that he feels he should do. I only make the suggestion, in view of the fact that I believe the question is one of first impression and the fact that we may easily be able to settle it by unanimous consent, that I should like to have an opportunity to consult with the Senator in charge of the bill, and that it would be better not to

press the question of appealing the ruling of the Chair, which may necessarily not be the correct ruling, at this particular time. However, if the Senator insists, I realize that the Chair has no alternative but to rule. I realize that the Parliamentarian has stated to the Chair his view.

However, I wish to state now, and have it understood, that I shall not consider the ruling as a precedent, and I reserve the right to contest the ruling, if I think it should be contested, at another time.

The PRESIDING OFFICER. The Chair is always within his right to do so. If the Senator intends to appeal the ruling of the Chair, he should do so now. Should he make the same point of order at a subsequent time, the then Presiding Officer would make his own ruling.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. My failure to appeal a ruling of the Chair at the present time would not restrict me from appealing a ruling of the Chair at a subsequent time?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from New York withdraw his point of order?

Mr. JAVITS. The Senator has presented his point of order. The Chair will rule on the point of order, and then the Senator will decide whether to appeal or not.

Mr. President, I withdraw the point of order, and I ask the Senator to repeat his unanimous-consent request, in view of the suggestion; and I shall not object.

The PRESIDING OFFICER. The Senator from New York withdraws his objection.

Mr. ERVIN. Mr. President, I ask unanimous consent that the 13 amendments offered by me today to the pending bill and all previous amendments offered by any Member of the Senate to the pending bill be deemed to have been read in compliance with the rules of the Senate.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the Senator would confine the request to his own amendments. We shall deal with others in due course. At the moment it is best not to complicate the request by including others. If he wants to limit the request to his own amendments, I shall not object, but if he insists on a broad "net" in proposing his request, I shall have to object. I have no desire to object, and the Senator is at liberty to proceed to make the request with respect to his own amendments.

The PRESIDING OFFICER. Does the Senator from North Carolina care to change his request?

Mr. ERVIN. Mr. President, I ask unanimous consent that the reading of the 13 amendments proposed by me today and the reading of another amendment proposed by me in the past be waived and that such amendments proposed by me be deemed to have been read